



OFFICE OF THE SECRETARY OF DEFENSE
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WASHINGTON, DC 20301-1950

ADMINISTRATION AND
MANAGEMENT

April 24, 2007

MEMORANDUM FOR COMMITTEE MANAGEMENT SECRETARIAT
GENERAL SERVICES ADMINISTRATION

SUBJECT: Committee Charter Consultation – *Reserve Forces Policy Board*

Recently, the Department of Defense determined that it has been remiss in not managing the *Reserve Forces Policy Board* (hereafter referred to as the Board) as a Federal advisory committee subject to the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), the Sunshine in the Government Act of 1976 (5 U.S.C. § 552b, as amended) and 41 CFR Parts 102-3 through 102-3.185.

Based upon our review it appears this non-discretionary advisory committee was established during the Truman administration, and was codified in 10 U.S.C. §§ 175 and 10301. When the Federal Advisory Committee Act (FACA) of 1972 was enacted the Department of Defense failed to pick up on the fact that the Board should be included in the Department's Federal Advisory Committee Management Program. As best we can determine, the oversight was due to the fact that the Chairperson is the only non-Government employee on the Board.

The Office of the General Counsel for the Department of Defense has reviewed the legislative history of the *Reserve Forces Policy Board*, and agrees that the Board must operate under the provisions of the Federal Advisory Committee Act of 1972.

In addition, the Director of Administration and Management for the Office of the Secretary of Defense, who exercises the Secretary of Defense's statutory and regulatory authorities, agrees with this position and has so advised the Under Secretary of Defense for Personnel and Readiness, who will act as the Board's DoD Sponsor.

The Board's chairperson and the DoD Sponsor is aware that the Board must fully comply with the provisions of the FACA and Sunshine Acts, and the Federal regulations. While this is a departure from the Board's normal method of operations, the Board staff has embraced the change.

With regard to the Board's membership being fairly balanced, please note that 10 U.S.C. § 10301 only allows the Secretary of Defense to appoint one non-Government employee to the *Reserve Forces Policy Board*, and that is the Board's chairperson. Recently, the *Commission on the National Guard and Reserves*, a non-discretionary committee reporting to Congress, recommended that the membership for the *Reserve*

Forces Policy Board be changed; however, the Congress has taken no action to effect any changes.

Prior to filing the Board's charter with the Library of Congress and the appropriate congressional oversight committees, the Department of Defense respectfully requests that the Committee Management Secretariat review the attached charter.

The charter has been reviewed and approved by the Office of the General Counsel for the Department of Defense.

If you should have any questions about this charter please contact my point of contact, Mr. Jim Freeman, at 703-601-2554, extension 128.

A handwritten signature in black ink, appearing to read "Frank M. Wilson", with a stylized, cursive script.

Frank M. Wilson

Committee Management Officer
for the Department of Defense

1 Attachment
As stated

**CHARTER
RESERVE FORCES POLICY BOARD**

- A. **Official Designation:** The Committee shall be known as the Reserve Forces Policy Board (hereafter referred to as the Board).
- B. **Objectives and Scope of Activities:** The Board, under the provisions of 10 U.S.C. §§ 175 and 10301, and the Federal Advisory Committee Act of 1972 (5 U.S.C., Appendix, as amended), shall provide the Secretary of Defense, through the Under Secretary of Defense (Personnel and Readiness) and the Assistant Secretary of Defense (Reserve Affairs), independent advice and recommendations on matters relating to the Reserve Components. The Board shall act on those matters referred to it by the Chairman and, in addition, on any matter raised by a member of the Board.

The Board, pursuant to 10 U.S.C. § 113(c)(3), shall provide to the Secretary of Defense, for transmittal to the President and Congress, an annual report on the reserve programs of the Department of Defense and any other matters that the Board considers appropriate.

- C. **Board Membership:** The Board, pursuant to 10 U.S.C. § 10301(a), shall be composed of:
1. A civilian chairman appointed by the Secretary of Defense;
 2. The Assistant Secretary of the Army for Manpower and Reserve Affairs, the Assistant Secretary of the Navy for Manpower and Reserve Affairs, and the Assistant Secretary of the Air Force for Manpower and Reserve Affairs;
 3. An officer of the Regular Army designated by the Secretary of the Army;
 4. An officer of the Regular Navy and an officer of the Regular Marine Corps each designated by the Secretary of the Navy;
 5. An officer of the Regular Air Force designated by the Secretary of the Air Force;
 6. Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Army, two of whom must be members of the Army National Guard of the United States, and two of whom must be members of the Army Reserve;
 7. Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Navy, two of whom must be members of the Navy Reserve, and two of whom must be members of the Marine Corps Reserve;
 8. Four reserve officers designated by the Secretary of Defense upon the recommendation of the Secretary of the Air Force, two of whom must be members of the Air National Guard of the United States, and two of whom must be members of the Air Force Reserve;
 9. A reserve officer of the Army, Navy, Air Force, or Marine Corps who is a general officer or flag officer designated by the Chairman of the Board with the approval of the Secretary of Defense, and who serves without vote as military advisor to the Chairman and as executive officer of the Board, and
 10. An officer of the Regular Army, Regular Navy, Regular Air Force, or Regular Marine Corps serving in a position on the Joint Staff who is designated by the Chairman of the Joint Chiefs of Staff.

In addition to the aforementioned Board members, the Secretary of Homeland Security, whenever the U.S. Coast Guard is not operating as a service in the U.S. Navy, may designate two officers of the U.S. Coast Guard, Regular or Reserve, to serve as voting members of the Board.

Board Members appointed by the Secretary of Defense, who are not full-time Federal officers or employees, shall serve as Special Government Employees under the authority of 5 U.S.C. § 3109, and they shall be appointed on an annual basis by the Secretary of Defense.

- D. Board Meetings: The Board or its approved subcommittees shall meet at the call of the Designated Federal Officer, who shall be a full-time or permanent part-time DoD employee appointed according to established DoD policies and procedures. The Designated Federal Officer or duly appointed alternate shall, in coordination with the Chairman approve all meeting agendas, attend all Board and subcommittee meetings, and adjourn any meeting the Designated Federal Officer determines adjournment to be in the public interest or lacking a quorum of voting members.

The Board, pursuant to DoD policy, shall be authorized to establish subcommittees, as necessary and consistent with its mission, and these subcommittees or working groups shall operate under the provisions of the Federal Advisory Committee Act of 1972 and other appropriate Federal Regulations.

Such subcommittees or workgroups shall not work independently of the chartered Board, and shall report their recommendations and advice to the Board for full deliberation and discussion. Subcommittees or workgroups have no authority to make decisions on behalf of the chartered Board nor can they report directly to the Agency or any Federal officers or employees who are not Board members.

- E. Duration of the Board: The Board is a non-discretionary advisory body with an ongoing function as established by Congress in 10 U.S. Code Sections 175 and 10301.
- F. Agency Support: The Department of Defense, through the Under Secretary of Defense (Personnel and Readiness) and the Assistant Secretary of Defense (Reserve Affairs), shall provide support as deemed necessary for the performance of the Board's functions, and shall ensure compliance with the requirements of 5 U.S.C., Appendix.
- G. Termination Date: The Board shall terminate upon completion of the Board's mission or two years from the date this Charter is filed, whichever is sooner, unless the Secretary of Defense extends it in his discretion or in compliance with 10 U.S. Code Sections 175 and 10301.
- H. Operating Costs. It is estimated that the annual operating cost, to include travel costs and contract support, for this Board is \$1,488,098. The estimated annual personnel costs to the Department of Defense are 11 full-time equivalents.
- I. Date Charter Filed: